

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, April 15, 2015 6:00 p.m.

Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Kerry Gubler; Council-Members: Richard Hirschi, Ken Hooten, Randy Reeve, and Chantelle Browning; Staff: Kyle Gubler, Derek Imlay, Kevin Bennett, Chief Ben Lee, and Christy Ballard; Public: John Valenti, Ray Justice, Adrienne & Robert Jahns, Walker Winder, Judy Abraham, Chesney Galindo, Scott Stratton, Paul Sevy, Steve Christian, Sam Allen, Jed Stout, Dave & Amber Crouse, Patricia Gubler, Darshan Hoshi, Peter Michaels, Pat Pead, Jeanette Benson, Rich Murrset, and Doug Stewart.

Troylinn Benson has been excused.

A. Called to Order – Invocation and the Pledge of Allegiance was given by Jed Stout at 6:00 pm.

B. Recognition:

1. Mayor Gubler thanked Chesney Galindo for all the work she did with the Easter Egg Hunt. She was given a certificate of appreciation and gift card to Davis Market.
2. Mayor Gubler explained Officer Amber Crouse was given the Officer of the Year for Small Agencies in the State of Utah Award. The Mayor congratulated her and thanked her for everything she has done for the City and presented her with a gift card to Davis Market.

C. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. Minutes: April 1, 2015 regular meeting minutes
4. Review Invoices and Checks: \$140,243.58

Motion was made by Councilwoman Chantelle Browning to approve the consent agenda as written including the April 1, 2015 regular meeting minutes and the checks and invoices in the amount of \$140,243.58 second by Councilman Richard Hirschi. Roll Call Vote: Reeve-yes, Hooten-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.

D. Committee Reports:

1. Planning Commission-Councilman Hirschi reported there was a public hearing on April 8th for the Cherry Orchard Subdivision and Cottonwood Hollow Phase I. Cherry Orchard is a new subdivision located at approximately 220 West, between 300 North and 200 North. Several people voiced concerns with this project; there concerns were listened to and noted. Cottonwood Hollow is a one-lot subdivision and road dedication plat that will extend Main Street past 700 North to the site of the new elementary school.
The Planning Commission recommended approval with stipulations to both projects and will be coming to the City Council when ready.
There was also a presentation by a developer for a vacation home community with RV Park.
2. Community Garden-Weeding will be starting soon. It is a City project so anyone who would like to help will be able to have some vegetables.

3. Water Board- Mayor Gubler reported the Water Board is encouraging people to water between the hours of 6pm and 10am to conserve water.
4. Sewer Board-Blair was not present to report.
5. Fire District- Captain Steve Christen represented Chief Tom Kuhlmann in thanking the Councilmembers for their help in obtaining the CDBG grant for the fire station. It has been a long time coming and will make the facility more usable.

Kyle reported this is a \$300,000, two year grant with \$200,000 being paid in the first year and \$100,000 the second. There are several more steps in the process before the money will be available and the project can start so there is not a project start date yet.

E. Citizen Comment & Request for Future Agenda Items:

Jed Stout- Has a few issues with the vacation rental ordinance. First, he would like to thank La Verkin for being business friendly but there are a couple of rules in the ordinance that he feels doesn't need to be in there. The "curfew" states 7am-10pm is the only time outdoor activities are allowed, that seems a bit stringent. He wondered what the rules were for "regular citizens" and asked if that could be looked into. The other concern is the rule that requires them to sleep in bedrooms. It seems a little bit unenforceable, probably well intended, but unnecessary. By and large he likes that we are pushing for business, he is in that business himself and it's a good business.

Jeanette Benson-Thanked the Councilmembers for all of the work that is going on, she feels like the City is moving forward in a wonderful way. The Neighborhood Watch group has some concerns with the police budget being cut 5-6%. They started a petition proposing the police budget be increased, not cut. They received 109 signatures; she thought they would get more. The citizens voiced their concern with the police officers not spending enough time catching the criminals but giving out too many tickets. They don't want any tickets so therefore don't want more police officers and wouldn't sign the petition. One of the concerned citizens has a son who received six citations in one day, one of which was driving to slow near the corner of 100 E 100 N, there are a lot of teenagers and little kids along there and people do need to drive slow.

The Neighborhood Watch would like to suggest cutting out some of the "fluff", like the Winterfest fireworks, and putting that money toward keeping our citizens safe and our property values up. In addition, the City is hiring a person to handle zoning infraction type issues and she feels a liaison would be better so people don't have bad feelings toward the police officers. We need to help citizens feel safe and want to go to the police officers for help. She suggested getting committees like the Boy Scouts to help the people who can't afford to take care of the issue themselves.

Rich Murrset-thanked the Councilmembers for spraying the weeds as well as considering vacation homes. He feels the original documents he saw were perfect; the things added later make it harder. By its nature, vacation rentals are self-regulating. If your yard is a mess people won't rent there. He looks forward to having more revenue generated for the City.

Doug Stewart-Like Mr. Stout and Mr. Murrset, he read the original document for the vacation rentals and what has been added seems to him, in some respects, unnecessary. He owns a vacation rental in Payson and they have no legislation. A couple things in this ordinance bother him like allowing no more than eight guests to visit for no more than 3 hours at a time. If he had a 6,000 square foot home, he would resent someone telling him who could come and stay at his house and for how long. It seems unnecessary. He would recommend looking over the rules before passing the ordinance. The other item he felt unnecessary is the two-day minimum.

Judy Abraham-lives at 120 N 100 E. She is part of the Neighborhood Watch and participated in gathering the signatures on the petition. The people who signed the petition from the area ripped it out of their hands; they don't want to see the police department budget cut. If the budget is cut, it will start to reflect

us as a community. She agreed with Jeanette that some of the fluff needs to be cut, like the gift card she received for having the best nativity during Christmas time. The little things like that need to be looked at instead of cutting the budgets. We need to keep the good police officers we have and not let another city take them from us because they can pay more.

There were people not from the community who wanted to sign the petition so she started another paper for them.

Please listen to what they have been saying.

She gave the petitions to Mayor Gubler.

Robert Jahns-He lives at 125 Main. He would like to commend the police department in all of their efforts and professionalism. A reduction in staffing is something he would oppose as a citizen who is concerned with the welfare of the children and older people in the community. Our police officers are among the most professional police officers he has ever dealt with. He does not want to see a reduction in personnel. If there were budget constraints particularly in this department, he would hope the City Council would conduct an open forum where citizens can come forward to express their opinion. He would also like to visit with the City to understand more of the budget process.

Mayor Gubler stated we are not reducing the police staff.

F. Business:

1. Discussion and possible action to approve Ordinance No. 2015-03; An ordinance amending Title 10 of The La Verkin City Code, relative to Bed and Breakfast and Vacation Rental Facilities within the City of La Verkin, and making and/or confirming them as Permitted Uses in Certain Commercial and Residential Zones within the City.

Councilwoman Browning stated on page 2, Section 1, the bottom paragraph under Bed and Breakfast facility states no more than one meal served daily (typically breakfast), she doesn't think the City should regulate that. It should be up to the business owner how many meals they would like to serve.

She feels the City is trying to regulate too many things and she is not in favor of that.

Councilwoman Browning asked Kevin if a unit meant room or entire building.

Kevin replied in Bed and Breakfasts a room is a unit, the vacation home is the occupancy of the house.

Motion was made by Councilman Randy Reeve to accept Ordinance No. 2015-03; an ordinance amending Title 10 of the La Verkin City Code, relative to Bed and Breakfast and Vacation Rental Facilities within the City of La Verkin, and making and/or confirming them as permitted uses in certain commercial and residential zones within the City, removing the stipulation of allowing only one meal to be served at Bed and Breakfast facilities, second by Councilwoman Chantelle Browning. Reeve-yes, Browning-no, Hirschi-no, Hooten-no. Motion does not pass.

Motion was made by Councilman Ken Hooten to table this item for further review, second by Councilman Richard Hirschi. Reeve-yes, Hooten-yes, Hirschi-yes, Browning-yes. Motion carried.

2. Discussion and possible action to approve Ordinance No. 2015-~~04~~; An ordinance amending Chapter 11 of Title 3 of The La Verkin City Code, providing for the regulation of Operations, Maintenance, Cleanliness, Safety, and Sanitary Conditions in Bed and Breakfast and Vacation Rental Facilities within the City of La Verkin.

Councilwoman Browning feels there are too many things going on besides the items brought up by the citizens. At the top of page 4 where it states the owner needs to respond within 20 minutes, she feels that is an unreasonable amount of time. She also had a problem, on that same page, with 1.a) the guests of the patrons would not be able to use the facilities amenities. She feels it is not our right to say that the patrons can't have guests over and that they can't use what they have paid to use.

Kevin stated this is talking about facilities in residential zones as opposed to commercial. In a residential zone, the people (patrons) who have paid to use the facility can. This is preventing the patrons staying in a residential home that is now being used as a business located in a residential zone, from having parties and inviting nonpaying guests. This is limiting the home to people that have actually paid to use the facility.

The ordinance is intended to regulate a business located in a residential zone so the residents around it are not impacted negatively.

The restrictions would be different if it was located in a commercial zone.

Councilwoman Browning stated she feels that patrons should be allowed to invite people over and those people should be allowed to use the facilities amenities.

The other issue she has is on page 5. The current noise ordinance states 10pm-6am; this ordinance states 10pm-7am. She feels the regulation should be the same as the rest of the City.

She also agrees with Mr. Stout that people should not be limited to only sleeping in bedrooms.

There are several other issues she has with this ordinance, so she would like to see it tabled.

Motion was made by Councilman Ken Hooten to table this item for further review, second by Councilman Randy Reeve. Reeve-yes, Hooten-yes, Hirschi-yes, Browning-yes. Motion carried.

G. Council Vacancy:

Mayor Gubler explained Brandon Stephenson has moved so there will need to be a new councilmember elected. Three people have submitted an application. They will each have 5 minutes to introduce themselves and explain why they applied and what they have to offer the City of La Verkin.

The applicants are Scott Stratton, Ray Justice, and Paul Sevy.

Scott Stratton-Served on the Council for eight years and has been off for three years. In those three years, the police department has had a complete turnover.

When he first was on the Council, La Verkin was patrolled by the Sheriff's office. They were charging La Verkin almost as much as it would cost to have our own department. Scott, along with the other Council members decided the City would get better coverage having our own police department.

He was listening to the concerned citizens about the police department and budgets being cut, he has dealt with police budgets many times.

He is concerned about La Verkin. He has lived here his entire life and hopes his children are able to live here as well. He is a homeowner in La Verkin, a property owner of La Verkin and a business owner in La Verkin. He genuinely cares about La Verkin that is why he put his application in for the vacancy.

Ray Justice- He has served on the City Council previously for eight years. He has also served on the Planning Commission, Board of Adjustments and currently works for the Election Committee to oversee the election here in La Verkin. He loves La Verkin and has lived here almost 20 years. He too would like to see La Verkin continue to grow and progress. He feels that when a city stays stagnant for too long it will eventually start to regress. He loves the changes that have been made in La Verkin and looks forward to helping our community grow in the right directions. He appreciates the citizens and appreciates the volunteerism. He is in the hotel business and when he was on the planning commission, he saw the need for funds in our coffers and the opportunity to put the transient room tax on the books for when the hotels started to come into La Verkin. The only way to keep our property taxes down is to increase the revenue through businesses.

He looks forward to serving La Verkin again, either now or in November.

Paul Sevy-Invested in La Verkin several years ago when he and his wife opened a business here. That has nothing to do with being on the City Council; he has nothing to gain for his business by being on the Council. He heard there was an opening on the City Council and wondered if he could aid or lend his assistance. He is the Executive Officer in the American Legion, the First Vice Commander for District 7

State of Utah, he deals with committees on a regular basis and is part of the Veterans Collation in St. George.

He is good at listening to all sides, at trying to decipher what is right and what is not right. He will voice his opinion but will not try to force his opinion. However, he will try to listen to what the consensus is because this position is an elected position and he is a representative of those who would have elected him. He understands this is an interim position, which is fine. He is offering his services until December and is not sure if he will run for the position in November.

The Councilmembers did a silent vote.

Mayor Gubler announced Ray Justice will fill the vacancy.

Ray Justice was sworn in by Kyle Gubler and took his seat with the other Councilmembers.

There was an election for the Mayor Pro Tem.

Motion was made by Councilman Ken Hooten to nominate Councilman Richard Hirschi to be the Mayor Pro Tem, second by Councilman Randy Reeve. Reeve-yes, Hooten-yes, Justice-yes, Hirschi-yes, Browning-yes. Motion carried.

H. Staff, Mayor & Council Reports:

City Administrator- Kyle Gubler

Kyle emailed his report to the Councilmembers.

Founders Day is Saturday, April 25th. Governor Herbert will be speaking at the Honoree Program.

Capital Improvements Priority list was included in his email. Nothing has changed on that list.

There is a Community Service report from La Grande Imlay. This is a list of where the projects were done and by whom.

The CDBG grant was awarded to the City and was mentioned earlier.

A Statewide infrastructure plan was included in his email.

Toquerville sent Kyle a copy of the recycling program that was presented to their citizens; it was included for the Councilmembers information.

John Valenti sent Kyle a letter stating his concerns with the Sunset View Estates subdivision, if any of the Councilmembers would like to contact him; his information was included in the letter.

Staff will be sending out reminder letters to citizens found not watering between the hours of 6pm-10am.

The tentative budget will be presented at the next City Council meeting. Kyle handed out a copy of that budget to the Councilmembers.

Kyle passed out a proposal to increase funds for our streets by adding money to the utility bill. Adding that increase to the utility bill would give the City the ability to remove the increase if determined it was no longer needed.

Eighty eight percent of the cities that attended his Managers Conference are paperless. He will put together information about it to bring to the City Council.

Public Safety- Chief Ben Lee

Chief Lee thanked the citizens and the City officials for their support.

He reported on the fitness challenge he started for staff and officials.

The Safety Fair will be April 25th along with Founders Day. They will have car seats and bike helmets for people who can't afford to purchase them.

Toquerville has asked if they could contract with La Verkin to help them with their animal control issues. He met with their City officials and gave them a proposal. Once an agreement is complete, the contract will come before the City Council for approval.

State Street is under construction and making left hand turns has caused issues since there is no turn lane or emergency respond lane. He asked the citizens to use caution. The school traffic has also become an increased issue. Beginning next week no parking will be allowed on Center Street for drop off and pick up. He is working with Principle Leavenworth to come up with a better solution for the next school year.

The police department is updating their Policy and Procedures manual.
Ross Fackler is the new ordinance officer.
Pah Tempe is still being patrolled and citations will be issued if people are trespassing.
The Department has implemented new protocol for individuals renting here in La Verkin that are involved in criminal activity that becomes public. The property owner will be notified that criminal activity is going on at their property.
Congratulated Ray on his new position.

Councilwoman Browning asked whose jurisdiction Pah Tempe is in.

Chief Lee replied technically the area is in the County but the roadway is in the County, Hurricane and La Verkin. The gate is in La Verkin so if that area is crossed or if they are on the La Verkin side we will issue a citation.

Councilman Hooten asked that the non-emergency dispatch number be re-posted so people would know whom to call.

Chief replied the number is available on the Departments website, Facebook page and when citizens call the police department during non-business hours, the recording gives the number there as well. They can also leave a voice message that is forwarded to Chief Lee's email.

Director of Operations-Derek Imlay

Derek passed out a three-week itinerary, with contact numbers, on the Road Construction Project. The turning lane situation has been discussed at his meetings and the State reported there is no solution for it because there is no shoulder to create a turn lane.

Mayor Gubler- thanked everyone who has helped with Founders Day, especially Councilman Reeve. The baseball game is scheduled to be played at the old Cross Creek ball field and he has heard several people have a problem with that. If there is any issue, it needs to be discussed now.

There was no discussion.

The Sports Director would like to use the field for the City T-ball games if the Council is okay with that.

Councilman Hooten said he has heard participation in the City sports has improved since hiring a Sports Director so he feels we should use whatever facility is available and can be used effectively.

Councilman Justice mentioned his only concern would be the insurance liability.

Kyle replied the Trust has been notified and does not have a problem with it. The same insurance liability we would have at our own field would apply at other fields used for City functions.

There was a discussion on the restrooms. There is not a concern at this point because the City field doesn't have restrooms available.

The motel would like to speak to the Councilmembers about their Ribbon Cutting Ceremony.
Peter Michaels is the Marketing Director for the new Best Western hotel in La Verkin.
Governor Herbert has extended his itinerary to include their Ribbon Cutting. Mr. Michaels passed out invitations to the Councilmembers.

Mayor Gubler invited the citizens to the Founders Day Celebration on Saturday April 25th.

Browning-Thanked the men who ran for the Council seat and the citizens that commented.

Hirschi-Nothing further to report.

Hooten-Thanked Derek and Chief Lee for their help at the cross walk, particularly after school. He congratulated Ray and expressed appreciation to the other gentlemen that stepped up for the position and encouraged them to run in November.

Reeve-Nothing to report.

Justice-Thanked the Councilmembers for the opportunity and Scott and Paul for being willing to serve.

I. Adjourn:

Motion was made by Councilman Ray Justice to adjourn, second by Councilman Richard Hirschi. Browning-yes, Hirschi-yes, Hooten-yes, Reeve-yes, Justice-yes. Motion carried unanimously at 7:18pm.

Minutes were taken on behalf of the City Recorder by Christy Ballard.

May 6, 2015
Date Approved

Richard M. Hirschi
Mayor Pro Tem Richard Hirschi

ATTEST: Kyle Gubler
Kyle Gubler
City Recorder

